THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No. 17153 of 2007

DATED: 13-08-2007

Between:

Moddu Krishnaiah

…Petitioner

and

Land Acquisition Officer/
Revenue Divisional Officer,
Tirupathi, Chittoor Dist. and another

…Respondents

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

W.P.No. 17153 of 2007

Oral order:

The petitioner apprehends dispossession from his agricultural land of an extent of Ac.0-61 cents in Survey No. 12 of Cherivi Village, Satyavedu Mandal, Chittoor District without the respondents following the due process of law.

The petitioner claims ownership of the above described land by virtue of a registered sale deed dated 21-5-1990. In respect of this land, pattedar passbooks under the Andhra Pradesh Right in Land and Pattadar Pass Books Act, 1971 have been issued by mutating the petitioner's name in the revenue records. Petitioner alleges that on 15-6-2007 the officials of the 2nd respondent visited the land and asked the petitioner to vacate the land, since the land is required for special economic zone. The petitioner alleges that again the officials of both the respondents came to the land on
6-8-2007 and sought to dispossess the petitioner. In the circumstances, the petitioner is before this Court.

The learned Government Pleader for Land Acquisition appearing on behalf of both the respondents very fairly concedes the legal position that the law does not permit the authorities to dispossess any citizen from land or other property without following the due process of law for acquisition. If the respondents seek to acquire the land of the petitioner under the provisions of the Land Acquisition Act, 1894 (for short 'the Act'), or the respondents even desire to enter upon the land, they may do so only after a notification under Section 4(1) of the Act

proposing acquisition. The petitioner alleges that no such notification has been issued.

In the light of the clear and mandatory law and in the light of the submission on behalf of the respondents by the learned Government Pleader that no acquisition or dispossession of the petitioner from the land is permissible without following the due process of law, no formal orders need be passed.

Recording the submission on behalf of the respondents mentioned above, the writ petition is disposed of. There shall be no order as to costs.

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GODA RAGHURAM, J

13-08-2007
Note:
Issue copy as soon as possible
/B.O/
GRR